IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Pargat Singh. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 843/2007

...

Date of Order: July 16, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Vinod Bhadu, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated 23-4-2007 passed by the Additional Sessions Judge No.1, Sri Ganganagar (for short, "the Revisional Court" hereinafter), whereby the revision petition filed by the petitioner against the order dated 1-6-2006 passed by the Chief Judicial Magistrate, Sri Ganganagar (for short, "the trial Court" hereinafter) was dismissed.

Heard learned counsel for the parties.

After investigation, the police filed a Challan against the petitioner for the offences under Sections 307 and 336 IPC

and Section 27 of the Arms Act being Sessions Case No. 1/2006. The Additional Sessions Judge No.2, Sri Ganganagar heard the arguments on charges and after hearing the arguments, came to the conclusion that prima facie the offence under Section 307 IPC is not made out as the injury suffered by the injured person is not dangerous to life; however, the Additional Sessions Judge No.2, Sri Ganganagar, after hearing the counsel for the accused, prima facie came to the conclusion that offences under Sections 326, 324, 323 and 336 IPC and Section 27 of the Arms Act are made out against the accused and sent the matter to the Chief Judicial Magistrate, Sri Ganganagart under Section 228 of the Code.

The grievance of the petitioner is that before framing the charge, the petitioner has not been heard. From the order dated 31-1-2006 passed by the Additional Sessions Judge No.2, Sri Ganganagar in Sessions Case No.1/2006, it is more than clear that the accused-petitioner was heard at length. The first line at page No.2 of the dated 31-1-2006 passed by the Additional Sessions Judge No.2, Sri Ganganagar starts with the words " " , which means that the arguments on the charge have been heard. Thus, it cannot be said that the petitioner has not been heard on the charge as required under Section 228 of the Code. In this view of the matter, no case for interference in the inherent jurisdiction is

made out.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs